



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755

Serial: GC/052/85
14 February 1985

MEMORANDUM FOR THE CHIEF, LEGISLATIVE DIVISION, OFFICE OF
LEGISLATIVE LIAISON, CENTRAL INTELLIGENCE AGENCY

SUBJECT: Draft Fiscal Year 1986 Intelligence Authorization Bill

1. This responds to your memorandum of 8 February 1985, subject as above, which requested comments on the draft bill.

2. As our 16 January 1985 comments on your previous draft of subject bill stated, the National Security Agency (NSA) supports the applicability and scope of the provisions contained in Section 404 of that draft on Remedy for Actions Arising Out of Security Investigations making the Federal Tort Claims Act the exclusive remedy concerning denial of access to classified information. We are disappointed that that section has been deleted, since such a provision is a necessary protection for intelligence employees who must make difficult determinations relating to security. We strongly urge that you reconsider your decision to delete this section and would support a decision to include such a provision in the 1986 Authorization Bill.

3. NSA continues to support the provisions in section 404 of the current draft for the protection of agency activities by the exercise of discretion in denying access to classified information on grounds of prior or current alcohol or drug abuse. We reiterate our request that the draft bill be amended to include similar provisions relating to NSA by redesignating section 404 as section 404(a) and adding a new subsection (b) as follows:

"(b) The National Security Agency Act of 1959
(50 U.S.C. §402 note) is amended--

"1) by redesignating section 2 as section 2(a) and

"2) by adding at the end thereof the following new subsection:

"b) The Secretary of Defense (or his designee for the purpose) may, in his discretion, on the grounds of prior or current alcohol or drug abuse, deny to or remove from any individual access to classified information, refuse

to hire any applicant for Agency employment, and terminate, suspend, or place limitations or conditions on the continued employment of any Agency employee, notwithstanding any other provisions of law."

4. NSA concurs in the concept of Title VII enacting a new section of the criminal code to deal specifically with leaks, reserving judgment at this time on the title's particulars.

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General Counsel

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Legislative and Regulatory Counsel